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Dated: March 15, 2005

Signature: Raymond Garguilo, Jr.

(Raymond Garguilo, Jr.)

Docket No.: SPINE 3.0-437 CPCPCPCPCPCPCP I CON V  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Errico et al.

Application No.: 10/663,486

Group Art Unit: 3738

Filed: September 16, 2003

Examiner: Not Yet Assigned

For: INTERVERTEBRAL SPACER DEVICE  
HAVING RECESSED NOTCH PAIRS FOR  
MANIPULATION USING A SURGICAL  
TOOL

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: March 15, 2005

Respectfully submitted,

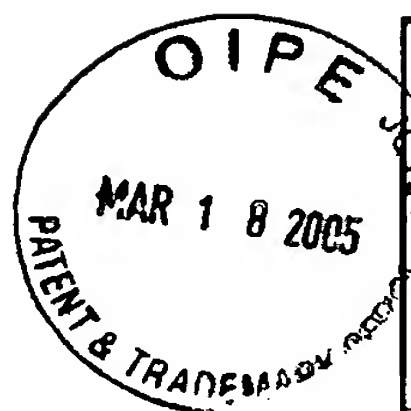
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Attorney for Applicant



Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/663,486
				Filing Date	September 16, 2003
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	SPINE 3.0-437 CPCPCPCPCPCPC I CON V

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-2001/0016773-A1	08-23-2001	Serhan et al.	
	AB	US-2002/0111681-A1	08-15-2002	Ralph et al.	
	AC	US-2003/0014110-A1	01-16-2003	Ralph et al.	
	AD	US-2003/0014112-A1	01-16-2003	Ralph et al.	
	AE	US-2003/0028249-A1	02-06-2003	Baccelli et al.	
	AF	US-2003/0055503-A1	03-20-2003	O'Neil	
	AG	US-2003/0060886-A1	03-27-2003	Van Hoeck et al.	
	AH	US-2003/0069586-A1	04-10-2003	Errico et al.	
	AI	US-2003/0069642-A1	04-10-2003	Ralph et al.	
	AJ	US-2003/0074067-A1	04-17-2003	Errico et al.	
	AK	US-2003/0149482-A1	08-07-2003	Michelson	
	AL	US-2003/0204260-A1	10-30-2003	Ferree	
	AM	US-2003/0208271-A1	11-06-2003	Kuras	
	AN	US-2003/0233097-A1	12-18-2003	Ferree	
	AO	US-2003/0233148-A1	12-18-2003	Ferree	
	AP	US-2004/0002759-A1	01-01-2004	Ferree	
	AQ	US-2004/0002762-A1	01-01-2004	Hawkins	
	AR	US-2004/0010316-A1	01-15-2004	William et al.	
	AS	US-2004/0030389-A1	02-12-2004	Ferree	
	AT	US-2004/0030390-A1	02-12-2004	Ferree	
	AU	US-2004/0034426-A1	02-19-2004	Errico et al.	
	AV	US-3,867,728	02-25-1975	Stubstad et al.	
	AW	US-4,309,777	01-12-1982	Patil	
	AX	US-4,605,417	08-12-1986	Fleischauer	
	AY	US-4,759,766	07-26-1988	Buettner-Janz et al.	
	AZ	US-4,759,769	07-26-1988	Hedman et al.	
	AA1	US-4,932,969	06-12-1990	Frey et al.	
	AB1	US-4,997,432	03-05-1991	Keller	
	AC1	US-5,236,460	08-17-1993	Barber	
	AD1	US-5,314,477	05-24-1994	Marnay	
	AE1	US-5,370,697	12-06-1994	Baumgartner	
	AF1	US-5,401,269	03-28-1995	Buttner-Janz et al.	
	AG1	US-5,425,773	06-20-1995	Boyd et al.	
	AH1	US-5,507,816	04-16-1996	Bullivant	
	AI1	US-5,556,431	09-17-1996	Buttner-Janz	
	AJ1	US-5,562,738	10-08-1996	Boyd et al.	
	AK1	US-5,676,701	10-14-1997	Yuan et al.	
	AL1	US-5,683,465	11-04-1997	Shinn et al.	
	AM1	US-5,782,832	07-21-1998	Larsen et al.	
	AN1	US-5,893,889	04-13-1999	Harrington	
	AO1	US-5,895,428	04-20-1999	Berry	
	AP1	US-5,899,941	05-04-1999	Nishijima et al.	
	AQ1	US-5,989,291	11-23-1999	Ralph et al.	
	AR1	US-6,039,763	03-21-2000	Shelokov	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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				Art Unit	3738
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Sheet	2	of	2	Attorney Docket Number	SPINE 3.0-437 CPCPCPCPCPCPC I CON V

	AS1	US-6,368,350	04-09-2002	Erickson et al.	
	AT1	US-6,375,682	04-23-2002	Fleischmann et al.	
	AU1	US-6,517,580	02-11-2003	Ramadan et al.	
	AV1	US-6,582,468	06-24-2003	Gauchet	
	AW1	US-6,610,092-A1	08-26-2003	Ralph et al.	
	AX1	US-6,645,249	11-11-2003	Ralph et al.	
	AY1	US-6,673,113	01-06-2004	Ralph et al.	
	AZ1	US-6,682,562	01-27-2004	Viart et al.	
	AA2	US-6,706,068	03-16-2004	Ferree	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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